

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gérard COUSIN et al.
Title: PARTICLES CONTAINING AN
ACTIVE AGENT IN THE
FORM OF A CO-PRECIPITATE
Appl. No.: 10/564,786
International Filing Date: 7/16/2004
371(c) Date: 6/5/06
Examiner: Bong-Sook BAEK
Art Unit: 1614
Confirmation Number: 3644

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 15, 2008, Applicants hereby provisionally elect Group I, Claims 1-9, for examination, with traverse.


Applicant traverse, because the inventions designated by the Office as Groups I and II relate to a single general inventive concept under PCT Rule 13.1. Specifically, under PCT Rule 13.2, Groups I and II share the same or corresponding special technical feature. The common technical feature between Groups I and II is the claimed process of claims 1-9. In asserting lack of unity of invention, the Office cited U.S. Patent No. 6,027,747. This patent, however, fails to disclose the process of claims 1-9. Thus, the Office's basis for asserting lack of unity of invention is flawed, and the Restriction Requirement should be withdrawn.

Applicants reserve the right to file a divisional application to pursue the non-elected claims.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 13-NOV-2008

By 

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